

JUL 11 2016

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FRESENIUS KABI USA, LLC and)	
FRESENIUS KABI DEUTSCHLAND GMBH)	
)	
Plaintiffs,)	
)	
v.)	C. A. No. 15-185-IMK
MYLAN LABORATORIES LIMITED,)	
MYLAN INC., AGILA SPECIALTIES INC.,)	
and MYLAN PHARMACEUTICALS INC.)	
)	
Defendants.)	

STIPULATION AND [PROPOSED] ORDER TO DISMISS WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between Fresenius Kabi USA, LLC and Fresenius Kabi Deutschland GmbH (collectively, “Fresenius”) and Mylan Laboratories Limited, Mylan Inc., Agila Specialties Inc., and Mylan Pharmaceuticals Inc. (collectively, “Defendants”) (together with Fresenius, the “Parties”) that:

1. Plaintiffs’ First Amended Complaint for Patent Infringement (D.I. 64), docketed June 6, 2016, concerning Mylan Laboratories Limited’s ropivacaine hydrochloride injection product, as described in ANDA No. 206091, be dismissed without prejudice;
2. The Parties shall bear their own costs and attorneys’ fees.

Dated: July 7, 2016

By:/s/ James F. Companion
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Pharmaceuticals Inc.*

*Attorneys for Plaintiffs
Fresenius Kabi USA, LLC and Fresenius
Kabi Deutschland GmbH*

IT IS SO ORDERED:

Dated: July 11, 2016



The Honorable Irene M. Keeley